

REMARKS

The following is in response to the Office Action mailed July 12, 2005, relating to the above identified patent application.

Applicant notes with appreciation the detail provided by the Examiner in the Office Action. Applicant's Attorney also notes with appreciation the indicated allowability of certain of the claims which are discussed below.

The first portion of the Office Action related to double patenting. It is pointed out that the instant application is a first filed application while the referenced co-pending application, application no. 10/708,313 is the later filed application and is a continuation-in-part of the instant application. Therefore, it is submitted that the double patenting objection and the requirement for a terminal disclaimer are inappropriate. It is also respectfully requested that the Examiner reconsider and withdraw the double patenting rejection. A telephone discussion was conducted with Examiner Patel on October 5, 2005 regarding the terminal disclaimer. In accordance with that discussion, a terminal disclaimer is provided herewith and a terminal disclaimer will be provided in the continuation-in-part application.

Claims 1-9 stand rejected under 35 USC 102(e) as being anticipated by D'Annunzio (US 6,769,137). This rejection is respectfully traversed. However, in order to expedite the issuance of this application, the actions recommended by the Examiner, as discussed below, has been taken by rewriting allowable claims in independent form. Claims 1 and 9 will be submitted in a continuation application and prosecuted later. It is submitted that there is at least one limitation in original Claims 1 and 9 that cannot be found in the D'Annunzio reference, which limitation was not addressed by the Patent Office i.e., that the retainer element moves in a generally straight line from the connector device to a curved portion of the body for example, the shoulder.

Because of this, it is submitted that the anticipation rejection is inappropriate. However, as suggested by the Examiner, Claim 1 has been amended by incorporating the limitations of Claim 2 therein essentially rewriting Claim 2 in independent form which was allowable initially. There is no amendment made to claim 2 for purposes of patentability. Likewise, the limitations of Claim 10 have been incorporated into Claim 9.

Some Claims, e.g., Claims 1, 4 and 7 have been amended to correct typographical errors, e.g. part name or claim dependency. These amendments are not made for purposes of patentability.

New independent Claims 25-33 have been added and depend from what the Examiner indicated are allowable claims and therefore these claims are also allowable. Additionally, new Claims 20-24 have been added and are similar to Claim 1 and include the limitations which the Examiner believed made the Claims 2 and 10 patentable. However, as compared to original Claims 2 and 10 these claims do not contain a limitation directed to the "straight line pull". It is believed, that these new claims are also in a condition for allowance which is respectfully requested. It is submitted that no new search is required since the limitations contained in these newly presented claims were present in claims previously presented in this application and acted upon by the Examiner. D'Annunzio does not teach or suggest such structure, e.g., the connection of one or more shoulder straps to one torso panel and releasable attachment to the other torso panel, as found in Claims 20-22, nor the use of only one cable, Claim 24.

Claim 19 has been cancelled and will be re-presented in a continuation application.

From the foregoing, it is submitted that the claims are now in a condition for allowance. It is respectfully requested that the Examiner reconsider and withdraw all the rejections and pass this case for formal allowance.

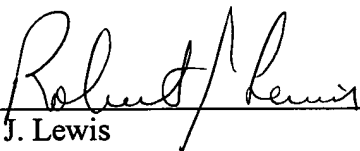
Application of: Matthew A. Johnson
Serial No.: 10/604,283
Amendment A

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: _____

10/6/05



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